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## INTRODUCTION

The Geneva conference concluded on 21 July with a 13-point Conference Declaration, issued in the name of the nine participating powers, but qualified by a unilateral declaration by the United States delegation.

These were accompanied by a detailed 47-article agreement on cessation of hostilities in Vietnam signed by representatives of the Viet Minh and French commanders. In addition the Cambodian and Laotian representatives signed slightly shorter cease-fire agreements with the Viet Minh representative.

The Vietnamese delegates were unsuccessful in trying to have their views incorporated in the final declaration and they did not sign the Vietnamese cease-fire agreement, a fact which raises the probability of future difficulties.

In essence, the declarations and agreements ended the primarily military phase of the hostilities in Indochina, and set a month--July 1956--in which "free" elections will be held throughout Vietnam to establish a unified government for that state.

In the meantime the country will be divided at approximately the 17th parallel, French troops will be withdrawn from the north and Viet Minh troops from the south, and until the military regroupment has taken place, Vietnamese will supposedly be permitted to move to the zone of their choice.

The agreements, however, are filled with many ambiguities--some of which are pointed out in the following comments--to which both sides may raise objections when it comes time to put certain provisions into effect.

The successful application of the cease-fire--which contains practically no enforcement provisions--will in the end depend on the desire and intention of the participating parties to make it work.

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The division at the 17th parallel may, in the process, become permanent, placing Vietnam in the same status as Germany, Austria, and Korea. As likely is the possibility the Viet Minh will take over all of Vietnam before the scheduled elections in 1956--through ineptness on the part of the government of south Vietnam, through subversion, through elections, or even through further guerrilla warfare.

Although the Indochina settlement is less favorable than the French and the West generally had hoped for, it is probably better than the French could have obtained from the Viet Minh alone. There is good reason to believe the Viet Minh was induced by its acknowledged mentors, the Soviet Union and Communist China, to accept a relatively modest settlement at this time.

This type of settlement, in the Communist view, will encourage the West to believe in the possibility of negotiated settlements of other outstanding conflicts and will thus tend to discourage military preparedness.

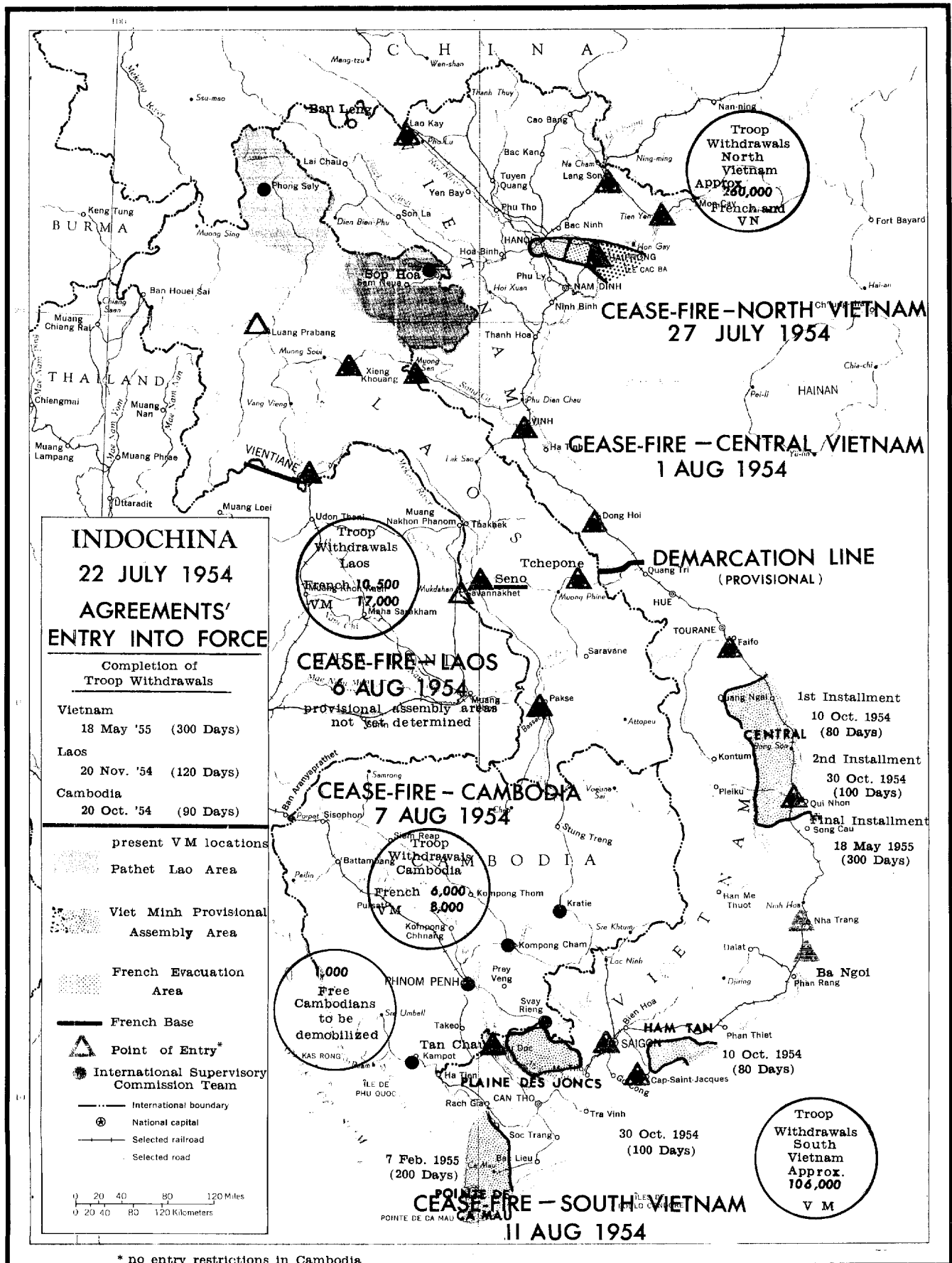
This report is a preliminary analysis by the Office of Current Intelligence of the documents resulting from the Geneva conference--the final declarations and the three cease-fire agreements.

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FINAL DECLARATION OF THE NINE  
PARTICIPANTS IN THE GENEVA CONFERENCE

General Observations

This document, although issued in the name of all the participants, does not preclude any member from dissenting from it. Vietnam has refused to acknowledge the validity of the entire declaration and the American statement pointedly omitted endorsing Paragraph 13, regarding further consultations among the participating powers.

The Declaration

PARAGRAPH 1: The conference "takes note" of the cease-fire agreements and the organization of international supervision.

Comment: The expression "takes note" represents a minor victory for the West, as the Communists sought a phrase expressing approval of the agreements by all nine participants.

PARAGRAPHS 2 and 3: The conference is convinced that the cease-fire agreements and the present declaration will permit the three countries to live in peace, independence, and sovereignty. The conference takes note of the intent of Laos and Cambodia (see their declarations) to permit all citizens to take their place in the national community, in particular through the holding of general elections by secret ballot in 1955 as provided for in their respective constitutions.

Comment: During the course of the conference, the Communists sought military and political control over about half of Laos and a promise of important jobs for Communists in Cambodia, but they settled for de facto control of two northern provinces of Laos and the agreement on elections in both countries--which had been scheduled in any case. The Laotians and Cambodians, for their part, hoped it would not be necessary to reach any political agreement with the Communists.

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PARAGRAPHS 4 and 5: The conference takes note of provisions in the three cease-fire agreements and in the declarations of Laos and Cambodia restricting the introduction of military aid and personnel into those countries and the establishment of foreign bases and military alliances.

Comment: The clause limiting the freedom of the Indochina states to introduce foreign troops and arms or to enter military alliances represents in general a Communist victory in the negotiations, although some concessions were granted Laos and Cambodia.

PARAGRAPH 6: The conference affirms that the truce line in Vietnam should not be interpreted as constituting a political or territorial boundary.

Comment: All the participants in the conference were well aware that this demarcation line in fact partitions Vietnam, at least until the elections scheduled for July 1956, but most were anxious to gloss over this concept, owing to its unpopularity in Vietnam.

PARAGRAPH 7: The conference declares that general elections will take place in Vietnam in July 1956 under the control of an international commission composed of the states which are members of the international commission for supervision of the cease-fire agreements. Consultations are to take place on this subject between competent representative authorities of the two zones after 20 July 1955.

Comment: Although Vietnam has refused to "accept" the terms of the Geneva settlement, it apparently does not intend to repudiate the decision to hold elections in 1956. The date set for the elections represents a Western victory, as the Communists sought elections within six months. It is not specified in the Geneva documentation what form these elections will take or whether a parliament, a constituent assembly, or a chief executive will be elected.

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The ambiguity as to the "competent authority" in the southern zone is characteristic of the entire Geneva documentation.

PARAGRAPH 8: The conference calls for protection of individuals and property and the right of everyone in Vietnam to decide where he will live.

Comment: The Communists may discourage any movement from north to south.

PARAGRAPH 9: The conference affirms that the competent authorities in Vietnam, Laos, and Cambodia must not permit individual or collective reprisals against anyone who took sides during the war, or against such persons' families.

Comment: There are certain to be reprisals, particularly by the Communists.

PARAGRAPH 10: The conference takes note of the declaration of the French government that it is ready to withdraw its troops from the territory of Cambodia, Laos and Vietnam, at the request of the governments concerned and within a period which shall be fixed by agreement between the parties except in the cases where, by agreement between the two parties, a certain number of French troops shall remain at specified points and for a specified time.

Comment: The use of the term "Vietnam" in this paragraph and elsewhere in the Geneva documentation is ambiguous, since it could refer either to the Associated State of Vietnam or to the Democratic Republic of Vietnam or to both. This ambiguity may prove troublesome in connection with the French pledge to withdraw its troops from Vietnam at the request of "the government concerned."

The reference to French troops remaining at specified points applies to the Laos cease-fire agreement, but no time limit is specified.

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PARAGRAPH 11: The conference takes note of the French declaration that it will respect the independence and sovereignty, unity and territorial integrity of Cambodia, Laos and Vietnam. (No comment.)

PARAGRAPH 12: Each member of the conference undertakes to respect the sovereignty, independence, unity, and territorial integrity of the three states, and to refrain from interference in their internal affairs.

Comment: The Cambodian government informed the conference that it would respect the territorial integrity of Vietnam, subject to certain reservations concerning adjustment of the border between the two countries, this border having been fixed by a unilateral act of France.

PARAGRAPH 13: The members of the conference agree to consult one another on any question which may be referred to them by the International Supervisory Commission in order to study such measures as may prove necessary to ensure that the agreements on the cessation of hostilities in Cambodia, Laos, and Vietnam are respected.

Comment: This represents a minor victory for the West, as the Communists had sought to commit the nine participants in the talks to "collective measures" in taking action on questions referred to them by the International Commission.

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## **CEASE-FIRE IN VIETNAM**

### **General Observations**

The cease-fire in Vietnam, like those for Laos and Cambodia, provides for an International Supervisory Commission (ISC) composed of representatives of India, Poland, and Canada, and for the establishment of a Joint Commission made up of representatives of the high commands of the two parties to the agreement. The functions of these bodies are discussed below. In Vietnam, in addition, there is a body known as the Trung Gia Military Commission. This commission, which is already in existence, fulfills on an interim basis the functions which are to be assumed by the Joint Commission.

### **Provisions of the Agreement**

**ARTICLE 1:** Provides for a provisional military demarcation line at approximately the 17th parallel (see map, p.11), for the regrouping of forces north and south of the line, and for a demilitarized zone of a width not more than five kilometers on either side.

**Comment:** Forces to be regrouped south of the line are "the forces of the French Union." Problems may arise in the event a change occurs in the relationship between Vietnam and the French Union while the agreement is being carried out. For example, France might agree to the withdrawal of Vietnam from the French Union and the transfer of military authority from French to Vietnamese hands.

The military demarcation line is described as "provisional." The implication of the Geneva settlement appears to be that the line will cease to exist following the holding of general elections in July 1956.

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**ARTICLE 2:** Opposing forces will regroup north and south of the truce line within 300 days, counting from 22 July, i.e., 18 May 1955. (No comment)

**ARTICLE 3:** Navigation rights for both parties on Ben Hai River section of truce line. (No comment)

**ARTICLE 4:** Viet Minh forces will evacuate all islands south of truce line and French Union forces will evacuate all forces from all coastal islands north of the line.

**Comment:** No specific time limit is given for these evacuations, although presumably they will have to take place before 18 May 1955. It is not clear why the article is worded so that the Viet Minh will evacuate all islands below the line whereas the French are to evacuate only the coastal islands above the line, unless it is intended that the French retain islands such as Nightingale, midway between Hainan and Tonkin. In any case, the islands near Indochina are not significant and it is unlikely that major difficulties will result from the provisions of this article.

**ARTICLE 5:** Withdrawal of all military forces, supplies and equipment from the demilitarized zone will be completed within 20 days of the present agreement's entry into force, i.e., by 11 August 1954. (No comment)

**ARTICLES 6-9:** Ban on movement of persons or materiel across truce line or into demilitarized zone except as authorized by Joint Commission. Civil administration is responsibility of the two commanders in chief. The Joint Commission and International Commission to have free access to zone. (No comment)

**ARTICLE 10:** The respective commanders "shall order and enforce the complete cessation of all hostilities in Vietnam by all armed forces under their control ...."

**Comment:** On enforcement powers of commanders, see Articles 22, 28, and 29.

ARTICLE 11: Cease-fire to take effect in north Vietnam on 27 July, in central Vietnam on 1 August, in south Vietnam on 11 August. No large-scale military action permitted after 27 July.

Comment: The two commands have agreed that "large-scale" will refer to regiment or larger in north Vietnam and to battalion or larger in central and south Vietnam. (cf. cease-fire dates for Laos, 6 August, and Cambodia, 7 August.)

ARTICLE 12: Withdrawal of troops from opposing side's assembly areas.

Comment: This provision appears to be markedly advantageous to the French. One of the greatest shortcomings of the French military effort in Tonkin has always been the high success of the Viet Minh in operating behind French lines. If the Viet Minh forces now in the French assembly area (Hanoi-Haiphong area) are moved out, the French position will be clearly improved.

The Viet Minh assembly areas will not be similarly affected since there are few if any French troops in these areas.

ARTICLE 13: Air corridors to be established for French civil and military transport aircraft between French assembly area in Tonkin and the Laotian frontier and southern Vietnam. (No comment)

ARTICLE 14: Political and administrative measures in the two regrouping zones.

A. The conduct of civil administration in each of the regrouping zones shall be in the hands of the "party" which is to be regrouped there (e.g., the Viet Minh north of the truce line) between the time when regrouping has been completed and the holding of general elections to unify Vietnam.

Comment: This is the only reference in the cease-fire agreement to the general elections stipulated in the joint declaration of the Geneva conference.

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The effect of this article is clear so far as Viet Minh administration in Tonkin is concerned. A problem arises as to the "party" in the south. Nowhere in any of the Geneva documentation does the Viet Minh recognize the existence of a civil authority in any part of Vietnam other than the Viet Minh itself. The effect of the ambiguous term "party" is therefore to defer such recognition.

B. Civil administration will remain in the hands of the present authority pending the regroupment. Adequate notice shall be given by the withdrawing party of its plans to permit assumption of authority by the other side. The length of such notice shall be determined by the Trung Gia military commission. Transfer of civil authority in Hanoi and Haiphong to the Viet Minh shall coincide with the military withdrawals (80 days and 300 days respectively).

Comment: Same problems as in (A) above. The reluctance of the Vietnamese civil authorities to abandon any part of Tonkin will incline them to prolong the transfer of powers.

C. Parties will undertake no reprisals against political enemies.

Comment: There will certainly be reprisals, particularly by the Communists.

D. From the date of entry into force of the present agreement (22 July) until the movement of troops is completed, any civilians who so desire may transfer from one zone to the other.

Comment: Physical difficulties as well as Communist obstruction may well prevent the movement from the north to the south of all those persons who wish to make the move.

Aside from the delta, the area around Dong Hoi, just north of the truce line on the coast, contains many thousands of persons who have already fled the Viet Minh, and who may find further flight blocked by the truce line and lack of shipping.

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Estimates of the number of persons who may chose to move from the north to the south have run as high as several millions.

No appreciable movement of persons from the south to the north is anticipated.

ARTICLE 15: This article lays down the principles by which the opposing forces and their equipment and supplies will be disengaged, withdrawn and transferred.

A. The withdrawals and transfers of the military forces, equipment and supplies of the two parties shall be completed within 300 days (18 May 1955).

Comment: Presumably this long period was agreed on in view of the great dispersion of forces of both sides throughout Indochina and because of the great quantity of equipment and supplies to be moved by the French from Tonkin. If the Viet Minh had been able to attain a much shorter period, by necessity the French would have had to abandon large amounts of valuable arms and war materiel in Tonkin. The 300-day period will permit extensive preparations to be made by both sides to solidify subversive and intelligence organizations in the areas from which they are withdrawing. It is to be expected that the Viet Minh will use the withdrawal period to organize agitators and sympathizers, armed and unarmed, for future use in the south zone.

B. Within both territories successive withdrawals shall be made by sectors, portions of sectors or provinces. Transfers from one regrouping zone to another shall be made in successive monthly installments proportionate to the number of troops to be transferred.

Comment: This provision is to establish orderly and complete withdrawal procedures and to ensure that the withdrawals will proceed on schedule. According to this provision about 10,000 Viet Minh troops should be withdrawn per month from the south and about 25,000 French and Vietnamese troops should leave the Tonkin delta.

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C. The two parties shall undertake to carry out all troop withdrawals and transfers in accordance with the aims of the present agreement, shall permit no hostile act and shall take no step whatsoever which might hamper such withdrawals and transfers. They shall assist one another as far as this is possible.

Comment: This provision is the key to the success of the entire agreement. If complete good faith by both sides is not shown at the outset of the withdrawals, the chances for a successful regroupment and a final end to the fighting will be proportionately reduced.

D. Parties shall permit no injury to persons or property.

E. The Joint Commission and the International Commission shall ensure that steps are taken to safeguard the forces in the course of withdrawal and transfer.

Comment: This is a blanket provision to establish the broad responsibilities of the two commissions. Their specific duties are spelled out in subsequent articles.

F. This paragraph contains broad instructions to the Trung Gia and Joint Commissions under which the disengagement, withdrawal and transfer of the opposing forces are to take place. These commissions shall "by common agreement" determine the exact procedures to be followed.

1. Within 15 days of the effective cease-fire date the combatants are to disengage, the withdrawing forces are to concentrate in the provisional assembly areas, and the opposing forces will temporarily evacuate these assembly areas. No troops shall be stationed less than 1,500 meters from the lines delimiting the provisional assembly areas.

Comment: Good faith is the key to this provision. Here, specifically, the Viet Minh has ample opportunity to disband many of its units in the south without concentrating them in the provisional

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assembly areas. According to the provision, forces in north Vietnam will be concentrated in the assembly areas by 11 August, in central Vietnam by 16 August, and in south Vietnam by 26 August. Advantages accruing to the Viet Minh by these time differences could be substantial if it did not begin to concentrate until the deadlines approach. In the meantime, the French would have abandoned much of their defense works in Tonkin and would be greatly weakened in the event of renewed hostilities.

2. Withdrawals will be made in accordance with the following timetable

For French forces from: (see map, p. 18)

Hanoi perimeter	80 days	(by 10 October 1954)
Hai Duong perimeter	100 days	(by 30 October 1954)
Haiphong perimeter	300 days	(by 18 May 1955)

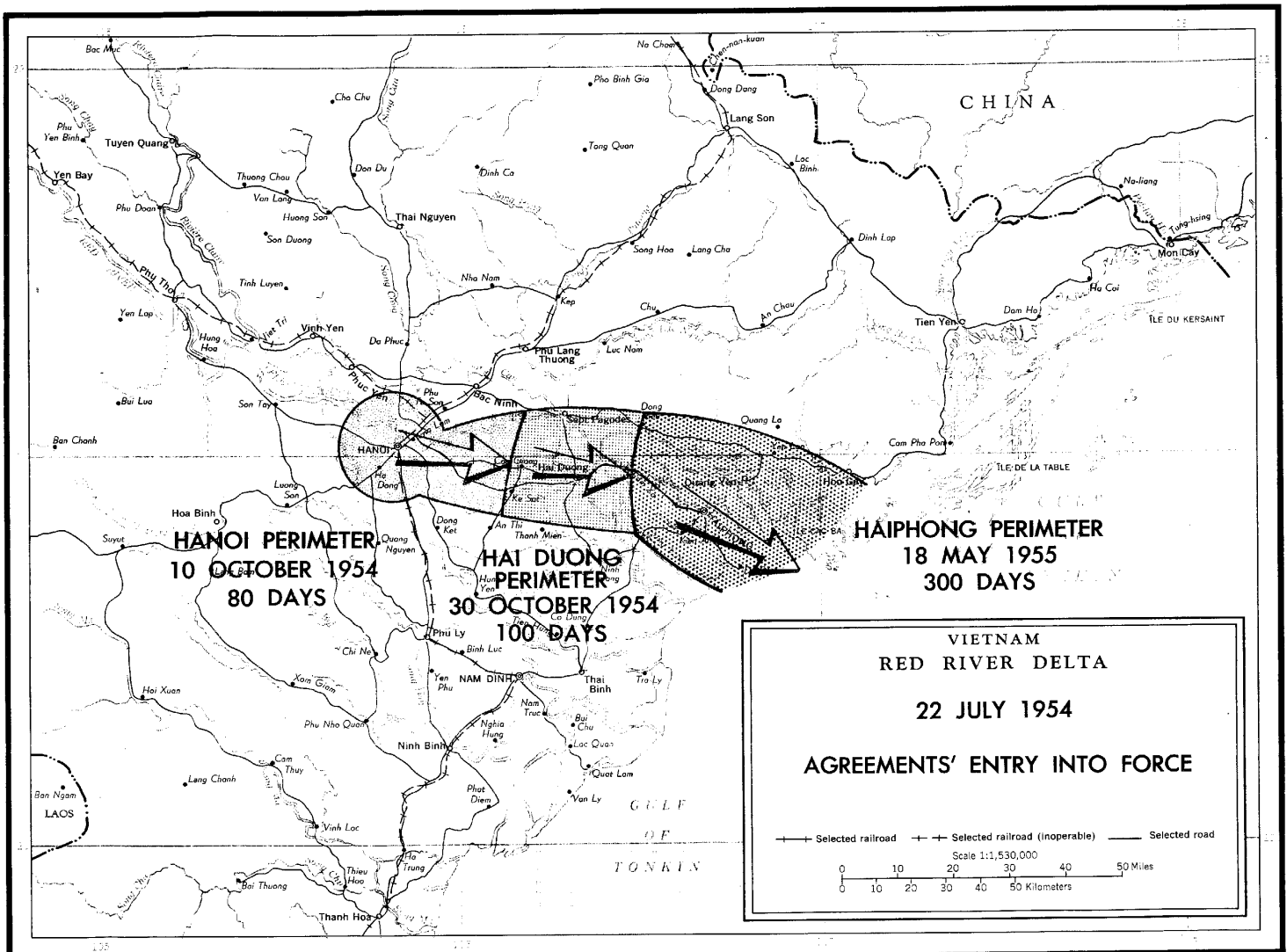
For Viet Minh forces from: (see map, p. 11)

Ham Tan sector	80 days	(by 10 October 1954)
Central Vietnam (1st installment)	80 days	(by 10 October 1954)
Plaine des Joncs sector	100 days	(by 30 October 1954)
Central Vietnam (2nd installment)	100 days	(by 30 October 1954)
Pointe Ca Mau sector	200 days	(by 7 February 1955)
Central Vietnam (last installment)	300 days	(by 18 May 1955)

Comment: Besides establishing a schedule, this section is aimed at ensuring that the withdrawing forces of neither side will be placed in a position of relatively greater hazard than those of the other at any stage during the withdrawals. Thus, by the time the French evacuate the Hai Duong perimeter, Viet Minh forces will remain only in central Vietnam and Ca Mau, etc.

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ARTICLE 16: The introduction of any troop reinforcements and additional military personnel into Vietnam is prohibited after 22 July 1954. The rotation of units and groups of personnel are provided for under the following conditions:

A. Forces of the French Union north of the line cannot be rotated, except that 50 officers and men during each month may be permitted in on temporary duty or on return from leave.

B. Units rotated elsewhere shall not be larger than a battalion or its equivalent in air or sea forces.

C. Rotation shall be conducted on a man-for-man basis, but for not more than 15,000 men in any quarter.

D. Rotation units and personnel shall enter and leave Vietnam only through specific entry points enumerated in Article 20.

E. Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures of units or personnel. Daily reports shall be submitted to both commissions on such arrivals and departures.

F. The International Commission, through its teams, shall supervise and inspect the rotation of units and personnel at the points of entry.

Comment: These provisions are directed primarily at preventing the strengthening of French forces. It is unlikely, although remotely possible, that the Viet Minh will rotate units from north of the line to the south. Aside from several battalions of Viet Minh troops training in China, no Viet Minh forces are known to be outside Indochina.

A marked difference between the Vietnam agreement and those for Laos and Cambodia is that it does not provide for the withdrawal of foreign troops. The withdrawal of French troops from the southern part of Vietnam is referred to in Article 10 of the Final Declaration of the Geneva Conference.

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The Viet Minh will probably contend that the term "Vietnam" as used in the Final Declaration refers to the Democratic Republic of Vietnam. This contention will be strengthened by the failure of the cease-fire agreement to make any reference to the Associated State of Vietnam.

The lack of a provision for the withdrawal of foreign military personnel might be construed as permitting the Viet Minh to retain any Chinese advisers now with the Viet Minh.

The ban on the introduction of additional military personnel appears to preclude any expansion of the American MAAG mission, which in turn precludes any large-scale American training program in Vietnam.

ARTICLE 17: Complements Article 16 in that any increase in the materiel strength of the opposing forces after 22 July 1954 is prohibited. Specifically prohibited are "all types of arms, munitions and other war materiel, such as combat aircraft, naval craft, pieces of ordnance, jet engines and jet weapons and armored vehicles." On a piece-for-piece basis, however, war materiel, arms and munitions expended after the cessation of hostilities may be replaced except for those of the French forces north of the line. Arriving equipment must pass through the points of entry and be reported to and checked by the International Commission.

Comment: A possible weakness in this provision is that only two points of entry are established for the China-Tonkin border--Lao Kay and Lang Son--even though there are provisions for mobile inspection teams to have access to other areas along the border. The Viet Minh could easily hinder the movement of mobile teams while the Chinese continue to ship in war materiel through Cao Bang, Thanh Thuy, Ban Leng and even Mon Cay. The nature of the terrain and vegetation in these areas of Tonkin is such that large supplies could be easily hidden.

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This provision is more restrictive for the Viet Minh than for the French, since it precludes the establishment by the Viet Minh of armored, naval, and air forces.

ARTICLE 18: Ban on the establishment of new military bases.

Comment: Friction is likely to arise over the distinction between the establishment of a new base and the expansion of an existing base. The concentration of all French Union forces in southern Vietnam will obviously require some sort of expansion of existing bases. The same problem will be evident when the Viet Minh assumes control in areas of Tonkin where it has heretofore had no bases.

The term "base" is ambiguous. For example, it is uncertain whether it would apply to the establishment of a new training center for the Vietnamese army.

ARTICLE 19: Ban on the establishment of military bases under the control of a foreign state. "The two parties shall ensure that the zones assigned to them do not adhere to any military alliance...."

Comment: The effect of this provision for the West is to limit the freedom of action of the United States to make any arrangement for assuming control of an existing French Union base.

A problem will arise regarding military alliances in the event that Vietnam, denying that it is a "party" to the agreement, seeks such an alliance. Such an occurrence would oblige the French high command to "ensure" that the Vietnam government made no such alliance.

The ban on military alliances in the Vietnam cease-fire is much stricter than comparable provisions in the Laos and Cambodia agreements.

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The Viet Minh is technically already a violator of this provision since it adheres to an "alliance" with the Pathet Lao and Khmer governments.

ARTICLE 20: Fixes the points of entry in the north as: Lao Kay, Lang Son, Tien Yen, Haiphong, Vinh, Dong Hoi and Muong Sen; and in the south: Tourane, Qui Nhon, Nha Trang, Ba Ngoi, Saigon, Cap St. Jacques, and Tan Chau (see map, p. 11 ).

Comment: Both sides could circumvent the restrictions placed on increases in their armed strength by shipping materials through other points. Any intent not to live up to the agreement would become evident through unwillingness to allow the mobile teams of the International Commission to visit other potential entry points.

ARTICLE 21: All prisoners of war and civilian internees to be "liberated" within 30 days after the effective cease-fire date in each sector (see Article 11) and surrendered to the appropriate authorities of the other party, who shall give them all assistance in proceeding to the zone of their choice.

Comment: The implication is that there shall be no right on the part of prisoners to refuse to be turned over to the other party.

ARTICLE 22: The commanders of the forces of the two parties shall ensure that persons under their respective commands who violate any of the provisions of the present agreement are suitably punished.

Comment: This is the only provision in the whole of the Geneva documentation for sanctions against violations. It is, moreover, restricted to persons under the respective commands. Vietnamese officials whom the Viet Minh might charge with violations could presumably argue that they are not "under" the French command.

ARTICLE 23: Graves-registration personnel of each party may enter the territory of the other according to terms to be agreed on between the respective commanders. (No comment)

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ARTICLE 24: Provides for respect by each party of territory of the other. "Territory" includes waters and air space. No blockade shall be undertaken. (No comment)

ARTICLES 25 and 26: Parties guarantee to protect, assist, and share costs of joint bodies and International Commission. (No comment)

ARTICLE 27: "The signatories of the present agreement and their successors in their functions shall be responsible for ensuring the observance and enforcement of the terms and provisions thereof." The commanders shall ensure full compliance within their respective zones with all the provisions of the present agreement by "all elements" and military personnel under their command.

Comment: Trouble may arise when and if the Vietnamese succeed to the functions of the French command.

As in the case of Article 22 above, the Vietnamese might contend that they are not under the French command.

This article and the two which follow bring out the distinction between the functions of the two commands, on the one hand, and the International Commission, on the other.

ARTICLES 28 and 29: "Responsibility for the execution of the agreement on the cessation of hostilities shall rest with the parties."

"An International Commission shall ensure the control and supervision of this execution."

Comment: These articles make clear that enforcement of the agreement is dependent on the good faith of the parties. The French word "controle" connotes a supervisory function rather than an enforcement power.

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ARTICLES 30-33: Establish a French-Viet Minh Joint Commission and define its functions.

The Joint Commission is to be set up in Vietnam and will be composed of an equal number of representatives of the commanders of the two parties. The president of each delegation shall be a general. The Joint Commission shall set up joint teams of an equal number of officers from each side. The parties shall determine where the joint teams will operate on the demarcation line.

The function of the Joint Commission is to "ensure the execution of" the following provisions of the agreement on the cessation of hostilities: (a) a simultaneous and general cease-fire in Vietnam for all regular and irregular forces of the two parties, (b) a regroupment of the armed forces of the two parties, and (c) observance of the demarcation lines between the zones of regroupment and of the demilitarized sectors.

The Joint Commission shall help the parties to execute the said provisions, shall ensure liaison between them for the purpose of preparing and carrying out plans for the application of these provisions, and shall endeavor to solve such disputed questions as may arise between the parties in the course of executing these provisions. (No comment)

ARTICLE 34: Provides for the establishment of the International Commission to "control and supervise" the application of the provisions of the agreement and describe its functions and powers. The commission shall be composed of representatives of Canada, India and Poland, with the Indian member presiding. (No comment)

ARTICLE 35: Provides for fixed and mobile inspection teams and defines their rights. The fixed teams are to be located at the entry points specified in Article 20. The points of location of these teams may be changed at the request of the Joint Commission, one of the parties, or the International Commission itself upon agreement with the command of the party concerned.

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Comment: The ability of one of the parties to change the location of the fixed teams is a safeguard to ensure that the best possible coverage of incoming personnel and materiel is attained.

The zones of action of the mobile teams are defined as "the regions bordering the land and sea frontiers of Vietnam, the demarcation lines between the regrouping zones, and the demilitarized zones." Within the limits of these zones the mobile teams "shall have the right to move freely and shall receive from the local civil and military authorities all facilities they may require for the fulfillment of their tasks...they shall have at their disposal such modern means of transport, observation and communication as they may require."

Comment: Apparently the phrase "modern means of transport" was inserted to ensure that mobile teams would be able to cover remote areas by aircraft. Because great stretches of the Vietnam-China border between Lang Son and Lao Kay are almost inaccessible by motor vehicle, the International Commission's mobile teams will have to use aircraft if they are to operate efficiently. Unwillingness of the Viet Minh to permit this type of coverage therefore probably would show bad faith with respect to the receipt of unauthorized materiel or personnel.

Local civil and military authorities are required to assist the mobile teams by "provision of personnel, placing at their disposal documents needed for supervision, summoning witnesses necessary for holding inquiries, ensuring the security and freedom of movement of the inspection teams, etc."

Article 35 specifies that if the command of the party concerned agrees, the mobile teams may carry out other movements within the limits of the tasks given them by the present agreement.

Comment: If the commander of one party did not agree to allow the mobile teams to inspect the areas a short distance from the demilitarized

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zone, there would be no method by which the International Commission could ascertain whether one side was preparing to violate the agreement and attack the other. Similarly, the International Commission apparently is not empowered to observe whether new bases are being constructed in areas where the fixed and mobile teams are not allowed. Presumably the Viet Minh could construct an air base in central Tonkin, receive aircraft flown from China, and prohibit the International Commission from inspecting the area.

ARTICLE 36: The International Commission's responsibilities in the field of control, observation, inspection and investigation of the application of the cease-fire provisions are to: (a) control the movement of the armed forces of the two parties under the regroupment plan, (b) supervise the demarcation lines between the zones of regroupment, and also the demilitarized zones, (c) control the operations of releasing prisoners of war and civilian internees, and (d) supervise at ports and airfields as well as along all frontiers of Vietnam the execution of the provisions of the agreement on the cease-fire, regulating the introduction into the country of armed forces, military personnel and of all kinds of arms, munitions and war materiel.

Comment: Note that the parties are free to make movements not under the regroupment plan, and thus are free to move their forces anywhere they wish within their own territories. A build-up for an offensive either across the demarcation line or against the withdrawing forces in the assembly areas could be undertaken with the commander vetoing an inspection by the International Commission. Note also that there is no provision for the policing of the provisional assembly areas; the International Commission therefore will have no means of ensuring that the opposing forces remain 1,500 meters from the line, that the remaining forces temporarily evacuate the assembly areas of the withdrawing forces, or that neither side is preparing for a resumption of hostilities in the interior of the assembly areas, except in the areas near the frontiers of Vietnam which may be accessible to the mobile inspection teams.

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ARTICLE 37: Directs the International Commission to undertake the necessary investigations both documentary and on the ground "as soon as possible," on its own initiative, at the request of the Joint Commission, or at the request of one of the parties. (No comment)

ARTICLE 38: Directs the inspection teams to submit to the International Commission the results of their supervision, their investigations and their observations. They shall also draw up special reports on their own initiative or when directed by the International Commission. If the members of a team disagree, the conclusion of each member shall be submitted to the commission.

ARTICLE 39: Provides that if any inspection team is unable to settle an incident or considers that there is a violation or a threat of a serious violation, the International Commission shall be informed.

Comment: Articles 38 and 39 prevent the conclusions of two members of an inspection team from obstructing a minority report by the other member and allow the minority member to have his viewpoint considered by the International Commission.

The International Commission studies the reports and conclusions of the inspection teams and informs the parties of the measures which "should be taken" for the settlement of the incident, ending of the violation or removal of the threat of violation.

Comment: The phrase "should be taken" points up the fact that the International Commission can only recommend.

ARTICLE 40: Provides that when the Joint Commission cannot agree on the interpretation to be given some provision or on the appraisal of a fact, the International Commission shall be informed of the disputed question. The International Commission shall send its recommendations directly to the parties and shall notify the Joint Commission.

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ARTICLE 41-43: Recommendations of the International Commission are by majority vote, except when dealing with questions concerning amendments and "decisions" concerning violations, or threats of violation, "which might lead to a resumption of hostilities"--in which case decisions must be unanimous.

In the event that one of the parties refuses to put into effect a recommendation of the International Commission, the parties concerned or the commission itself shall inform the members of the Geneva conference. If there is no unanimity regarding an alleged violation, the commission will submit a majority report and one or more minority reports to the Geneva conference powers.

Comment: The effect of these provisions is to carry a dispute between the two parties on the spot to the same parties at Geneva. There is no neutral enforcement agency.

ARTICLE 44: The International Commission shall be set up at the time of the cessation of hostilities in Indochina.

Comment: The theoretical date for the complete cessation of hostilities in Indochina is 11 August at the latest. A question arises whether the International Commission will be set up in the event firing does not actually cease.

ARTICLE 45: The International Commission in Vietnam shall act in close co-operation with the International Commission in Laos and Cambodia. A body comprising equal numbers of representatives of each of the powers will be set up to co-ordinate the activities of the three commissions. (No comment)

ARTICLE 46: The International Commission may reduce its activities by unanimous decision. (No comment)

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ARTICLE 47

Effective date of agreement -- 22 July, 1954

(signed)

For the Commander in Chief  
of the Peoples Army of  
Vietnam

For the Commander in Chief  
of the French Union Forces  
in Indochina

Ta Quang Buu, Vice Minister  
of Defense

Brigadier General Delteil

ANNEX

Provides details on delineation of truce line,  
demilitarized zone, and provisional assembly areas  
(see map, p. 11).

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## CEASE-FIRE IN LAOS

### General Observations

The similarity between many of the articles of the Vietnam and Laos agreements obviates article-by-article discussion.

Articles 3, 5, 7, 13, 15, 17-25, and 27-41 will be omitted.

The major difference between the two agreements is indicated by the title of the first chapter of the Laos agreement--The Evacuation of Foreign Armed Forces. Whereas the Vietnam agreement provides for the military division of the country between the French Union and Viet Minh commands, the Laos agreement would banish all French and Viet Minh-Pathet Lao forces except for small contingents, as noted in Articles 6, 8, and 14.

### Provisions of the Agreement

ARTICLE 1: The commanders of the armed forces of the parties shall enforce the cease-fire.

Comment: Some question might arise as to the identity of the Communist commander in Laos. The agreement itself is signed by the Vice Minister of Defense of the Democratic Republic of Vietnam. Pathet Lao is not a signatory. The Viet Minh forces in Laos are described in the agreement as "Vietnamese people's volunteers" and are to be withdrawn. No reference is made to a Pathet Lao high command.

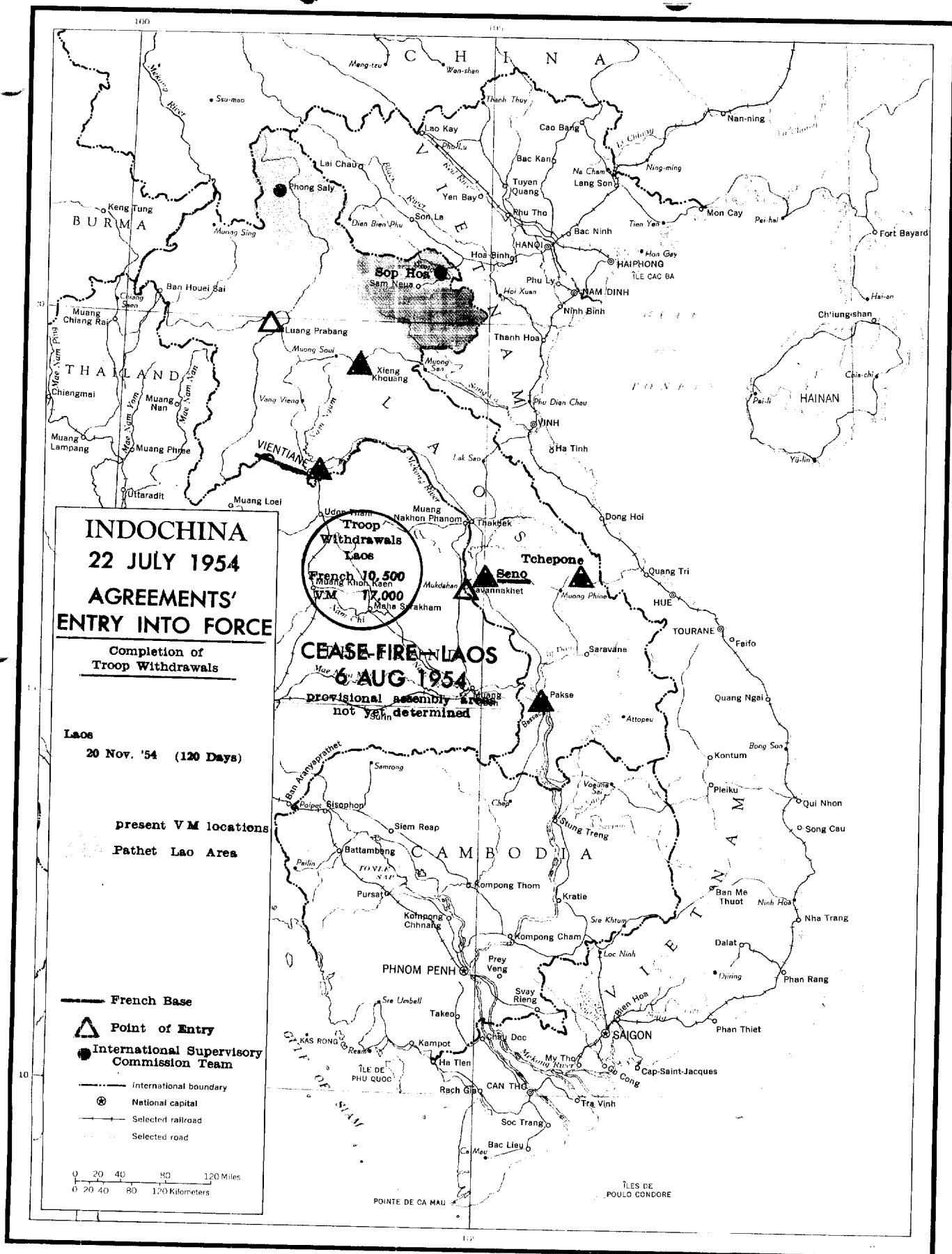
ARTICLE 2: Cease-fire to take effect on 6 August. (cf. Vietnam cease-fire, 11 August and Cambodian cease-fire, 7 August.)

ARTICLE 3: Omitted.

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ARTICLE 4: The withdrawals and transfer of military forces, supplies and equipment will be effected in accordance with the following principles:

A. The withdrawals and transfers of the military forces, supplies and equipment of the two parties shall be completed within a period of 120 days from the day on which the armistice agreement enters into force.

Comment: Thus the military regroupment shall be completed by 20 November 1954, assuming good faith on both sides and no unexpected incidents.

The two parties undertake to communicate their transfer plans to each other, for information, within 25 days of the entry into force of the present agreement, i.e. by 16 August.

Comment: Presumably this will be done through the Trung Gia Commission or the Joint Commission; this is a matter of good faith and might or might not be lived up to, depending on Viet Minh plans for retaining troops in Laos.

B. The withdrawals of the Vietnamese peoples volunteers from Laos to Vietnam shall be effected by provinces. The position of those volunteers who were settled in Laos before the hostilities will form the subject of a special convention.

Comment: The special convention will presumably be negotiated at a later date. This problem is virtually insoluble in view of the fact that many Vietnamese who have been bona fide residents of Laos over the past several years or decades have also been strong Viet Minh supporters.

ARTICLE 5: Omitted.

ARTICLE 6: Ban on introduction of military personnel, but French may leave not more than 1,500 officers and noncoms for training of Laotian army. (No comment.)

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ARTICLE 7: Ban on the establishment of new military bases. (No comment.)

ARTICLE 8: High command of the French forces shall maintain in Laos personnel not to exceed 3,500 for the maintenance of two French military establishments, one at Seno and the other in the Mekong valley, either in the Vientiane area or downstream from Vientiane. (No comment.)

ARTICLE 9: Ban on introduction of arms, "with the exception of a specified quantity of armaments in categories specified as necessary for the defense of Laos."

Comment: There is a conspicuous omission in the failure of the agreement to determine how these specifications will be made.

ARTICLE 10: This article establishes Luang Prabang, Xieng Khouang, Vientiane, Seno, Pakse, Savannakhet and Tchepone as the only points of entry for the armaments specified as legal under Article 9 (see map, p. 31). Note that no point of entry is specified in the two provinces of Phong Saly and Sam Neua, which the Pathet Lao forces will occupy. Fixed inspection teams of the International Commission will be stationed at Phong Saly in Phong Saly Province and at Sop Hoa in Sam Neua Province, with the aim of protecting against the shipment of war materiel to the Communist side. (No comment.)

ARTICLE 11: This article provides that the armed forces of both sides be disengaged, concentrated and moved to their provisional assembly areas within a period not exceeding 15 days after the cease-fire, i.e., 21 August 1954. (No comment.)

ARTICLE 12: The joint commission shall fix the site and areas: (a) of the five provisional assembly areas for the reception of the Viet Minh forces, (b) of the five provisional assembly areas for the reception of French forces in Laos, (c) of the 12 provisional assembly areas, one to each province, for the

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reception of the fighting units of "Pathet Lao." The forces of the Laotian National Army shall remain in their present positions during the entire duration of the operations of separation and transfer of foreign forces and fighting units of "Pathet Lao."

Comment: Note that in the Vietnam agreement the provisional assembly areas were carefully described whereas in this case the Joint Commission will define these areas. Conceivably the opposing sides will not reach agreement on this point within the time limit described in Article 11, particularly if there is any intention not to live up to the spirit of the cease-fire agreement.

The fixing of an assembly area in each of the 12 Laotian provinces for the "Pathet Lao" forces is a great exaggeration of their strength and effectiveness. It is estimated that the "Pathet Lao" army totals only some 2,500 troops, most of which are located near the border with Tonkin and all of which are poorly armed. The creation of assembly areas in each of the provinces may actually result in their expanding into areas in which they have not effectively operated. The Communists may therefore use this provision to utilize the three months between assembly and withdrawal for propagandizing and pressuring the populations in each assembly area.

Conceivably Viet Minh troops could be used to bolster the size of the "Pathet Lao" forces to improve the Communist chances of influencing the populations of the assembly areas. Note that the International Commission has no direct supervision over the assembly areas. As in the case of Vietnam, the mobile teams are authorized to operate only in the "regions bordering the land frontiers of Laos."

The Laotian government's concept of its relationship with the "Pathet Lao government" is stated more fully in the Laotian declaration at the Geneva conference.

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ARTICLE 13: Omitted.

ARTICLE 14: Provides that within 120 days of entry into force of the agreement (19 November 1954) the fighting units of "Pathet Lao" will move from the provisional assembly areas into the provinces of Phong Saly and Sam Neua, "except for any military personnel who wish to be demobilized where they are." The "Pathet Lao" units will remain there "pending a political settlement" and will be free to move between the provinces of Phong Saly and Sam Neua in a corridor along the Tonkin frontier.

Comment: This article gives the Communists very great advantages. No demobilization of "Pathet Lao" forces in Phong Saly and Sam Neua is specified. Because of the remoteness of the areas, the lack of Laotian government control over them at this time, and because of the provisions in the cease-fire agreements preventing Laotian or French forces from moving to establish control over these provinces and the corridor connecting them, the "Pathet Lao" forces, possibly aided by the Viet Minh, undoubtedly will take over de facto control of Phong Saly Province, Sam Neua Province, and the corridor connecting them. Thus, "Pathet Lao" forces will have access to China and will seal off the Laotian-Tonkin border to access by the Laotian government. With this firm base to build on, the "Pathet Lao" could greatly increase its influence in Laos.

The declaration of the Laos government at Geneva affirmed that government's right to administer the two provinces. The conference "took note" of this declaration.

ARTICLE 15: Omitted.

ARTICLE 16: Liberation and "repatriation" of prisoners of war and civilian internees.

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Comment: The provisions are similar to those of the Vietnam cease-fire. Probably not more than a few thousand persons will be affected.

However, "liberation" applies to "all prisoners of war and civilian internees of Laotian and other nationalities," whereas "repatriation" applies only to "foreign prisoners of war," who shall be surrendered to the "appropriate authorities of the other party."

Thus, prisoners and civilian internees of the Laotian and Pathet Lao armies will merely be liberated, whereas French and Viet Minh prisoners will be forcibly "repatriated."

ARTICLES 17-25: Omitted.

ARTICLE 26: Deals with the rights and defines the areas of operation of the fixed and mobile inspection teams of the international commission. The fixed teams shall be located at Pakse, Seno, Tchepone, Vientiane, Xiang Khouang, Phong Saly and Sop Hoa (see map, p. 31).

Comment: Note that all but two of these points are in territory occupied by the Laotian government or the French. The other two, Phong Saly and Sop Hoa, are in territory occupied by the "Pathet Lao."

The zones of action of the mobile teams are described as in the "regions bordering the land frontiers of Laos." The rights of these teams to gather information are identical with those described for the mobile teams in Vietnam.

As in the agreement on Vietnam, the International Commission for Laos cannot determine, without the consent of the commander concerned, what is happening in areas not at points of entry or in the frontier regions.

ARTICLES 27-41: Omitted.

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## CEASE-FIRE IN CAMBODIA

### General Observations

The Cambodian truce agreement differs from that of Vietnam principally in that it does not exclude the entry of arms and military personnel nor the conclusion by Cambodia of military alliances with foreign countries. It also differs from the Vietnam agreement in providing for the withdrawal of all foreign military personnel. In this connection, it contains no exceptions of the sort incorporated into the Laos agreement.

Articles 3, 9-11, and 13-33 are identical with articles in the Laos and Vietnam agreements, and are omitted in the following analysis.

### Provisions of the Agreement

ARTICLE 1: The commanders of the armed forces of the two parties shall enforce the cease-fire.

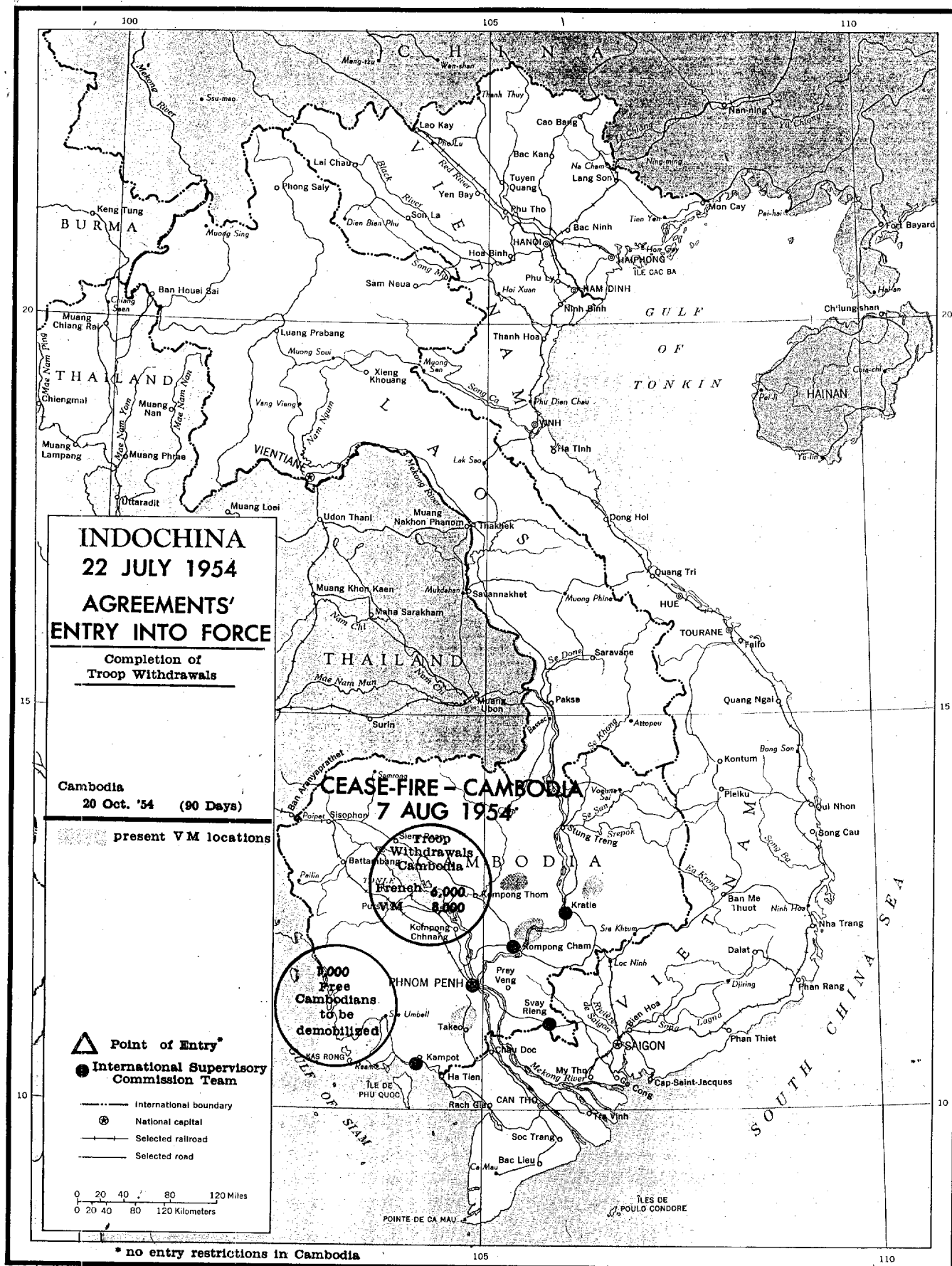
Comment: As in the case of Laos, there is some uncertainty as to the identity of the commander on the Communist side. The agreement is signed on behalf of the commander in chief of the "Khmer Resistance Forces" and the "Vietnamese military units" (i.e., Viet Minh) by the Viet Minh vice minister of defense.

The commander in the case of the Cambodians is the commander in chief of the Cambodian Royal Army rather than the commander of French Union forces.

ARTICLE 2: Cease-fire to take effect on 7 August. (cf. 6 August in the case of Laos, and 11 August in the case of Vietnam.)

ARTICLE 3: Omitted.

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ARTICLE 4: Withdrawal of foreign armed forces and foreign military personnel.

A. Withdrawal applies to armed forces and military combatant personnel of the French Union.

Comment: The Cambodian government elsewhere (see Cambodian Declaration, p. 43) reserves the right to maintain foreign military personnel necessary to its defense. Strict application of the above article would therefore involve retention of French military personnel, if any, in some status other than as French Union military personnel.

B. and C. Withdrawal applies to Viet Minh forces proper and to "all the foreign elements (or Cambodians, not natives of Cambodia) in the military formations of any kind or holding supervisory functions in all political or military, administrative, economic, or social bodies, having worked in liaison with the Vietnam military units." Withdrawal to be completed within 90 days after date of entry into force of agreement, i.e., by 21 October.

Comment: "Vietnam" in this context refers to Viet Minh units. The phrase "Cambodians, not native of Cambodia" refers to the presence within Viet Minh ranks of Cambodians recruited from among the large Cambodian population of Cochinchina.

ARTICLES 5 and 6: Khmer resistance forces will be demobilized on the spot within 30 days. The status of these persons will be decided in the light of the Cambodian declaration at the Geneva conference that it intended to integrate all citizens, without discrimination, into the national community, all having the right to participate as electors or candidates in the general elections provided for by the Cambodian constitution.



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Comment: The Cambodia settlement goes further than the Laos settlement in affirming the jurisdiction of the government over all citizens and throughout the entire country.

ARTICLE 7: Qualified limitation on Cambodian right to enter military alliances and to solicit foreign aid. (This article is a quotation from the Cambodian Geneva conference declaration, q.v. p.43 ).

ARTICLE 8: Liberation and repatriation of civilian internees and prisoners of war.

Comment: The wording is the same as in the Laos agreement, except that the 30-day time limit specified in the Laos agreement for liberation of prisoners does not appear in the Cambodian agreement, the implication being that prisoners in Cambodia will be liberated at once.

Like the Laos agreement, the Cambodian agreement differs from that of Vietnam in limiting forcible repatriation to "foreign" prisoners.

ARTICLES 9-11: Omitted.

ARTICLE 12: This article deals with the rights and zones of action of the fixed and mobile inspection teams of the International Commission. In these respects it is similar to the comparable articles covering Vietnam and Laos, with several exceptions:

Fixed teams are to be located at Phnom Penh, Kompong Cham, Kratie, Svay Rieng, and Kampot. The zones of action of the mobile teams shall be the regions bordering on the land and sea frontiers of Cambodia. Outside these zones of action the mobile teams may, with the agreement of the Cambodian commander, move about as required by the tasks assigned to them under the present agreement.

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**Comment:** Because the Cambodian agreement prohibits any zone of Communist control, the inspection teams cannot be hampered by the refusal of a Communist commander to let them report on an area removed from the land and sea frontiers of Cambodia and the ports of entry.

**ARTICLES 13-33:** Omitted.

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INDOCHINA REPORT

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## DECLARATION BY THE ROYAL GOVERNMENT OF LAOS

Summary of the Declaration: The Royal Government of Laos resolves to take the necessary measures to integrate all citizens without discrimination into the national community in accordance with the constitution of the Kingdom. It affirms that all Laotian citizens may freely participate as electors or candidates in general elections by secret ballot.

The Laos government will provide, during the interval between the cessation of hostilities and the general elections, for a "special representation" in the royal administration of the provinces of Phong Saly and Sam Neua on behalf of "Laotian nationals who did not support the royal forces during hostilities."

Laos will never pursue or permit its territory to be used in furtherance of aggressive policies. It will not join in any military alliance not in conformity with the UN Charter or the cease-fire agreement, nor, unless its security is threatened, will it permit the establishment of foreign bases in Laos.

During the period between the cessation of hostilities in Vietnam and the final settlement of the political problems in Vietnam, Laos will not request foreign aid, in personnel or materiel, except for the purpose of its effective territorial defense and to the extent defined by the cease-fire agreement.

Comment: The royal government makes clear that it regards itself as the de jure authority throughout Laos, notwithstanding the assignment of regrouping zones to the Pathet Lao forces.

The restrictions on foreign participation in Laos' defense are so qualified as to give this government a basis for requesting foreign aid whenever it felt its security to be threatened, although the Communists would be expected to contest such action.

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## DECLARATION BY THE ROYAL GOVERNMENT OF CAMBODIA

The Cambodian declaration is identical with the Laotian declaration, except that no "special representation" is envisaged for Cambodian dissidents allied with the Viet Minh, and that it omits the phrase "...and to the extent defined by the cease-fire agreement" in connection with foreign military aid.

Comment: These differences reflect the stronger position of Cambodia, as compared with Laos, vis-a-vis the Viet Minh. There are no regrouping areas for dissidents in Cambodia, nor is there any provision in the cease-fire agreement relating to French military bases.

## DECLARATION OF THE FRENCH GOVERNMENT

This declaration consists of two paragraphs which correspond with Paragraphs 10 and 11 (p.8 ) of the Final Declaration of the Conference.

## DECLARATION BY THE AMERICAN DELEGATION

Summary of the Declaration: The American delegate stated that the United States, not being prepared to join in a declaration by the conference such as was submitted, would make the following unilateral declaration of its position:

The United States takes note of the three cease-fire agreements and of paragraphs 1-12 inclusive of the Final Declaration of the Conference. With regard to these, it declares that (1) it will refrain from the threat of force or the use of force to disturb them, in conformity with Article 4 of the UN Charter, and (2) it would view any renewal of aggression in violation of these agreements with grave concern and as seriously threatening international peace and security.

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With regard to elections in Vietnam, the consistent position of the United States government is, in the case of nations divided against their will, to continue to seek to achieve unity through free elections, supervised by the United Nations, to ensure that they are conducted fairly.

With respect to the statement made by Vietnam,\* the United States reiterates its traditional position that peoples are entitled to determine their own future and that it will not join in an arrangement which would hinder this.

Comment: In declining to "take note" of the 13th paragraph of the Final Declaration, the American delegation avoided committing the United States to consult with the other Geneva powers on matters which might be referred to them by the International Commission.

In advocating elections supervised by the United Nations, the American delegate avoided endorsing the procedure established by the conference; that is, supervision of elections by an international commission composed of representatives of India, Poland, and Canada.

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\* The Vietnamese delegation at Geneva sent a note to the United States delegation on 20 July that, in general, dissented from the agreements. The text of the note was also released to the press and concluded: "The State of Vietnam cannot accept to see taken from it not only a vital part of its territory and of its population but, beyond that, the right of a sovereign and independent state to organize its defense in the manner it believes to be most in conformity with its national interests."

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